IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 22597 of 2004

Between:

Ketamreddy Narendra Reddy, S/o. Gopal Reddy, Fair Price Shop Dealer, Thinnelapudi (V), Kota (M), Nellore District.

..... PETITIONER

AND

1 The Joint Collector, Nellore District, Nellore.
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Kota (M), Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, direction, order or orders more particularly one in the nature of Writ of Mandamus to call for the records pertaining to Rc.C.3481/2004 dt. 15-10-2004 and declare the same as illegal, arbitrary, malafide and contrary to the rules and violative of Principles of Natural Justice and consequentially set-aside the same in the interest of justice.

Counsel for the Petitioner : MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

Petitioner is a Fair Price Shop Dealer of Thinnelapudi Village, Kota Mandal, Nellore District. The 2nd respondent suspended the dealership of the petitioner through his proceedings, dated 15.10.2004. Petitioner claims to have filed an appeal against the same before the 1st respondent together with an application for grant of stay. He contends that when the 1st respondent did not pass any orders in the stay petition, he filed W.P.No.20097 of 2004, and despite the directions issued through order, dated 02.11.2004, by this Court, the 1st respondent has not passed any orders so far.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner on oath submits that the 1st respondent has not disposed of the application for interim orders so far, despite the specific direction issued by this Court in W.P.No.20097 of 204. If the allegation of the petitioner is true, the 1st respondent can be said to have disregarded the orders of this Court. Petitioner cannot be required to suffer the detriment, on account of inaction on the part of the 1st respondent. A perusal of the order, dated 15.10.2004, passed by the 2nd respondent, discloses that the main allegation on the petitioner is that there is a discrepancy of 32 Kgs in the quantity of rice. When the total quantity of rice handled

by him, viz., 4,800 kgs is taken into account, the alleged discrepancy is within the limits. Other allegations are general and vague in nature. On the face of it, the order of suspension appears to be motivated and without any basis. If there were any serious irregularities on the part of the petitioner, the 2nd respondent ought to have issued notice and taken action after conducting enquiry.

Hence, the writ petition is disposed of directing that the order, dated 15.10.2004, passed by the 2nd respondent shall stand stayed, pending disposal of the appeal by the 1st respondent, and that the petitioner shall be entitled to supply the essential commodities in the meanwhile. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 08th December, 2004

Note: Office to furnish copy

In two days.

(B/o.)

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To

1 The Joint Collector, Nellore District, Nellore.
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Kota (M), Nellore District.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad(OUT).

5 Two C.D. copies.